

### **REMARKS**

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated October 18, 2006 has been received and its contents carefully reviewed.

Claims 1, 6-8, 13, 15, 16, 17 and 34 are hereby amended. Claims 4, 5, 14 and 21-33 are hereby cancelled. Accordingly, claims 1-3, 6-13, 15-20 and 34 are currently pending. Reexamination and reconsideration of the pending claims are respectfully requested.

In the Office Action, claims 5-8 and 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Independent claim 1 is herein amended to include the limitations of claim 5 and claim 5 is herein cancelled. Claims 6-8 are herein amended to depend from allowable claim 1. Independent claim 13 is herein amended to include the limitations of claim 14 and claim 14 is herein cancelled. Claims 15 and 16 are herein amended to depend from allowable claim 13. Claim 17 is herein amended to include limitations of claim 13. The objection to claims 5 and 14 is moot as these claims are herein cancelled. Accordingly, Applicant respectfully requests the withdrawal of the objection to pending claims 6-8 and 15-17.

Claims 1-12 and 34 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner alleges the scope of the claims is unclear, because the preambles set forth a method of providing agricultural pesticides, but none of the steps in the claims achieves the goal of the preamble. To advance prosecution, Applicant herein amends claims 1 and 34 to include "providing the pesticide." Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 1, claims 2-12, which depend therefrom, and claim 34.

Claim 34 is rejected under 35 U.S.C. §101. The Examiner alleges claim 34 does not provide a practical application that produces a concrete and tangible result. The Examiner further alleges that the result of the invention can be construed as one or more instructions, generated by human being and since the instructions can be subjective and dependent on a

cognitive process, the subjective component of the invention is not amenable to reproducibility of a result. To advance prosecution, Applicant herein amends claim 34 to recite the method includes the use of “a computer.” Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 34.

Claims 1-4, 9-13, 18-20 and 34 are rejected under 35 U.S.C. §102(a) as being anticipated by Cppress.com. Applicant respectfully traverses this rejection and reconsideration is requested.

Claims 1 and 34 are allowable over Cppress.com in that each claim now recites “obtaining the pesticide by sale on-line, wherein the algorithm initiates an analysis of restrictions on the sale of the pesticide.” This limitation was previously recited in claim 4 and claim 5, which depends on claim 4. Claim 5, now cancelled, was indicated in the Office Action as containing allowable subject matter. Therefore, Cppress.com does not teach or suggest at least this feature of the claimed invention. The rejection of claim 4 is moot as claim 4 is also herein cancelled. Accordingly, Applicant respectfully submits that claim 1, claims 2, 3 and 9-12, which depend therefrom, and claim 34 are allowable over the cited reference.

Claim 13 is allowable over Cppress.com in that claim 13 now recites “wherein the pesticide database contains information on restrictions on the pesticides.” This limitation was previously recited in claim 14. Claim 14, now cancelled, was indicated in the Office Action as containing allowable subject matter. Therefore, Cppress.com does not teach or suggest at least this feature of the claimed invention. Accordingly, Applicant respectfully submits that claim 13 and claims 18-20, which depend therefrom, are allowable over the cited reference.

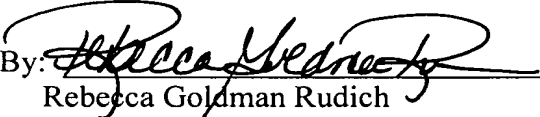
Applicant believes the foregoing amendments and remarks place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: February 20, 2007

Respectfully submitted,

By:   
Rebecca Goldman Rudich  
Registration No.: 41,786  
MCKENNA LONG & ALDRIDGE LLP  
1900 K Street, N.W.  
Washington, DC 20006  
(202) 496-7500  
Attorneys for Applicants